

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants – Allegation of corruption against Smt. D.Y.Premalatha, Maternity Assistant, Government Area Hospital, Proddatur, Kadapa District – Disciplinary action initiated – Punishment imposed –O.A.No.4477/10 filed before the APAT –Further Action dropped – Orders – Issued

HEALTH, MEDICAL & FAMILY WELFARE (VC-1) DEPARTMENT

G.O. Ms. No. 92

Dated: 18 -04-2011

Read the following:-

1. G.O.Rt.No.516, Health, Medical & Family Welfare (VC-1) Department, dt. 13-04-2010
2. O.A.No.4477/2010, filed by Smt. D.Y.Premalatha, Maternity Assistant, Government Area Hospital, Proddatur, Kadapa, dt. 07-07-2010

ORDER:

1. The allegation that on 13-06-2000 Smt. D.Y.Premalatha deposed before the Investigating Officer u/s 161 Cr. P.C. against the Accused Officer Dr. P.Suvarna, However, during the Trial on 03-01-2007, Smt. D.Y.Premalatha did not stick to her earlier version of statement and thereby resiled from the facts of the statement and turned hostile in the Hon'ble Anti Corruption Bureau court, Nellore, resulting in acquittal of the Accused Officer. Disciplinary action was initiated against Smt. D.Y.Premalatha, Maternity Assistant and another hostile witness. In the G.O. 1st read, Smt. D.Y.Premalatha was awarded the penalty of stoppage of three (3) annual grade increments with cumulative effect for turning a hostile witness to the State.

2. It was contended by Smt. Premalatha that under 161 Cr.P.C. statement recorded by police is not a sworn statements given by the witness. It cannot be the basis for taking departmental action against Smt P.Lilly Florence and Smt. D.Y.Premalatha, merely because the accused officer was requested by Director General, Anti Corruption Bureau. She submitted her defence statement stating that she deposed under oath on God before Hon'ble Special Judge Court for ACB Cases, Nellore and spoke only truth. The averments in 161 statement were not stated by her. The explanation was considered unconvincing and a regular inquiry was ordered, by appointing the Joint Commissioner (General) of A.P.Vaidhya Vidhana Parishad as Inquiry Officer. The Inquiry held that the charge was proved against her. Therefore, after following due procedure, major penalty of withholding of three annual grade increments with cumulative effect was inflicted on Smt. Premalatha in the G.O.1st read above.

3. In the reference 2nd read above, Smt. D.Y.Premalatha filed O.A in the Tribunal against the punishment, on the following grounds:-

- (i) that the Investigating Officer recorded their statement of witness under 161 Cr. P.C. on 27.10.2000 i.e., after lapse of 4 months ;
- (ii) that they deposed on oath the true facts of the case in the Anti Corruption Bureau Court;
- (iii) Neither the 161 Cr.P.C. statement nor her deposition before the Court on oath was the basis for acquittal of the accused.
- (iv) That the Hon'ble Anti Corruption Bureau Court did not declare her as having turned hostile.

4. As per Section 162 Cr. P.C., no statement made by any person to a police officer in the course of an investigation, if reduced to writing, be signed by the person making it, not shall any such statement or any record thereof, whether in a police diary or otherwise or any part of such statement or record, be used for any purpose, at any inquiry or trial in respect of any offence under investigation at the time when such statement was made.

5. After examining the entire issue and it was considered that the Smt. Premalatha was not guilty and the punishment imposed on her was not at all commensurate with her alleged delinquency.

6. The Government after careful examination of the averments made by the applicant in the OA, with regard to the applicability of provision of the 161 Cr.P.C and the Judgement of the Special Judge for SPE & ACB cases, Nellore in C.C.No.2 of 2002, dt.8-3-2007 has decided and order to drop further action against Smt. D.Y.Premalatha, Maternity Assistant, Government Area Hospital, Proddatur, Kadapa in cancellation of the G.O.Rt.No..516, Dt.13-4-2010.

7. The Director of Medical Education (Academic) / Commissioner, A.P.Vaidhya Vidhana Parishad shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.P.V.RAMESH
PRINCIPAL SECRETARY TO
GOVERNMENT

To

Smt. D.Y.Premalatha, Maternity Assistant, Government Area Hospital,
Proddatur, Kadapa (through the Director of Medical Education (Academic), A.P., Hyderabad)

Copy to:

The Director of Medical Education (Academic), A.P., Hyderabad

The Commissioner, A.P.Vaidhya Vidhana Parishad, Hyderabad

The Government Pleader for Medical & Health (Services),

A.P.Administrative Tribunal, Hyderabad

The Secretary, A.P.Public Service Commission, Hyderabad

The Director General, Anti Corruption Bureau, Hyderabad

The Secretary to Vigilance Commissioner,

A.P.Vigilance Commission, Hyderabad

SF / SC.

// FORWARDED::BY ORDER//

SECTION OFFICER